

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

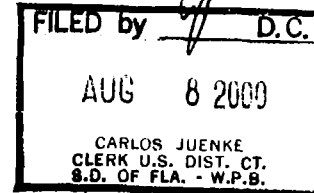
CASE NO. 00-6023-CIV-HURLEY

**R/S ASSOCIATES, a Florida
Limited Partnership and
DAN SHOOSTER,
Plaintiffs,**

vs.

**ROBERT YARI and FORUM
ARLINGTON PROPERTIES, LTD., and
ALLIANCE COMMERCIAL MANAGEMENT,
Defendants.**

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**ORDER SETTING TRIAL DATE & DISCOVERY DEADLINES,
REFERRING CASE TO MEDIATION & REFERRING DISCOVERY TO
UNITED STATES MAGISTRATE JUDGE**

THIS CAUSE is before the court upon receipt of the parties' joint scheduling report.

It is thereupon,

ORDERED and ADJUDGED:

Trial Date & Location

1. This case is set for trial on the **May 2001 calendar** commencing on **Monday, May 7, 2001**. Counsel for all parties shall appear at a calendar call commencing at 1:30 p.m. on **Friday, April 27, 2001**. Unless instructed otherwise by subsequent order, the trial and all other proceedings in this case shall be conducted in courtroom 5 at the U.S. Courthouse, 701 Clematis Street, West Palm Beach, Florida.

A handwritten signature in black ink, appearing to be "JC/KB", located in the bottom right corner of the page.

Motion Practice

2. Every motion filed in this case shall be accompanied by **one proposed original order** granting the motion. The order shall contain an **up-to-date service list** of all attorneys in the case. In light of the court's "fax-back" program, additional copies of the proposed order and self-addressed stamped envelopes should not be provided.

Pretrial Discovery Schedule

3. Pretrial discovery shall be conducted in accord with Local Rules 16.1 and 26.1 and the Federal Rules of Civil Procedure. The court has considered but, at present, declines to adopt the parties' suggested discovery schedule. If, after reviewing the following schedule, the parties conclude their proposal is preferable, they may resubmit a proposed discovery schedule in the form of a **proposed agreed order**. Once entered it shall supersede the generic schedule outlined below. Note: any substitute schedule **must** include the time frame set forth below for the submission of summary judgment motions (not later than ninety (90) days prior to commencement of trial calendar).

<u>Rule 14, 19 Motions</u>	-- 180 days before trial calendar
<u>Discovery Cutoff</u>	-- 90 days before trial calendar
<u>Substantive Pretrial Motions</u>	-- 90 days before trial calendar
<u>Mediation Cutoff</u>	-- 60 days before trial calendar
<u>Rule 15(a), (d) Motions</u>	-- 60 days before trial calendar
<u>Mandatory Pretrial Stipulation</u>	-- 5 days before calendar call (note Local Rule 16.1.E)
<u>Pretrial Conference</u>	-- as directed by the court
<u>Voir Dire Questions</u>	-- First day of jury trial

<u>Jury Instructions</u>	-- 5 days before calendar call
<u>Proposed Findings & Conclusions</u>	-- 5 days before calendar call
<u>Motions in Limine</u>	-- First day of trial
<u>Exhibit List for Court</u> (Two Copies)	-- First day of trial (impeachment excepted)
<u>Witness List for Court</u> (Two Copies)	-- First day of trial (impeachment excepted)

Consent Jurisdiction

4. In light of the benefits offered by a trial before a magistrate judge, e.g. trial on a date certain as opposed to placement on a month-long calendar, the parties are urged to consider this option. Therefore, within twenty (20) days of the entry of this order each attorney is **ordered** to meet with his/her client and discuss this option. At the end of the twenty-day period, each party shall file a separate pleading indicating: (1) that they have met and discussed magistrate jurisdiction and (2) unequivocally setting forth their position (yes or no) on magistrate consent jurisdiction. Plaintiff's counsel shall monitor this process. If there is not unanimity in favor of magistrate jurisdiction, plaintiff's counsel need do nothing further. If, however, there is unanimity in favor of magistrate jurisdiction, plaintiff's counsel shall send a note to the court, with a copy to defense counsel, alerting the court to this issue. It is the receipt of this note that will cause the court to meet with the magistrate judge and obtain a new trial date for the parties.

Mediation

5. Pursuant to Federal Rule of Civil Procedure 16 and Local Rule 16.2, this case is referred to mediation as follows:

- a. The mediation shall be completed sixty (60) days prior to the scheduled trial calendar.
- b. The parties shall, within ninety (90) days hereof, agree upon a mediator and advise the Clerk's office of their choice, failing which the Clerk will designate a mediator from the list of certified mediators on a blind random basis;
- c. Plaintiff's counsel shall be responsible for coordinating the mediation conference date and location agreeable to the mediator and all counsel of record;
- d. Within five (5) days following the mediation conference, the mediator shall file a Mediation Report indicating who attended the mediation and the result thereof.

Discovery Referred to Magistrate Judge

6. In accordance with the Magistrate Act, 28 U.S.C. § 636(b)(1)(A), and Federal Rule of Civil Procedure 72, all pretrial discovery motions which may be filed in this case and all motions that relate directly to these motions, such as motions for extension of time, motions for reconsideration, motions for sanctions, and motions for mental or physical examinations are **REFERRED** to United States Magistrate Judge Frank J. Lynch for final disposition. Counsel shall send a copy of any discovery motion or responsive pleading directly to the Magistrate Judge at the same time that pleading is filed with the Court. Counsel shall caption the Magistrate Judge's name below the case number.

7. This referral shall expire at the end of the discovery period established in the pretrial schedule above. Upon expiration, all matters pending before the United States Magistrate Judge shall remain before the Magistrate Judge for resolution, and all new matters shall be filed for consideration by the undersigned.


Telephonic Conferencing

8. When practical, counsel are urged to utilize telephonic conferencing for any pretrial appearances *including calendar call*. Counsel wishing to appear in this manner for any proceeding must notify the Courtroom Deputy at 561/803-3452 at least 24 hours prior to the proceeding. Counsel wishing to appear for the calendar call by telephone must so notify the Courtroom Deputy by noon of the Wednesday preceding the date of the calendar call.

DATED and **SIGNED** in Chambers at West Palm Beach, Florida, this 7th day of August, 2000.

copy furnished:

Magistrate Judge Frank J. Lynch, Jr.
Keith A. Goldbaum, Esq.
Elaine Johnson James, Esq.


Daniel T. K. Hurley
United States District Judge